

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

.....
MICHAEL ROSENBERG, On Behalf of
Himself and All Others Similarly Situated,
Plaintiffs,

Civil Action No. 04-CV-12220 NMG

v.

ASCENT TECHNOLOGY, INC.,
Defendant.
.....

**STIPULATION AND ORDER EXTENDING TIME
TO ANSWER, MOVE, OR OTHERWISE PLEAD**

WHEREAS, plaintiff Michael Rosenberg has served defendant Ascent Technology, Inc. (“Ascent”) with the class action complaint in the captioned action; and

WHEREAS, this action has been deemed a “tag-along” action subject to transfer under 28 U.S.C. § 1407 and the order of the Judicial Panel on Multidistrict Litigation in *In Re American Airlines, Inc., Privacy Litigation*, Docket No. 1627 (October 26, 2004), to the United States District Court for the Northern District of Texas (Fitzwater, J.).

WHEREAS, the parties intend to request that the United States District Court for the Northern District of Texas order Ascent to respond to the complaint concurrently with the defendants in another action to be transferred to that District under the same order, namely, *Michael Rosenberg, et al. v. AMR Corp., et al.*, Civil No. CV 04 2008 (CBA)(E.D.N.Y.); and

WHEREAS, the deadline of the defendants in that latter action to respond is currently by stipulation extended without deadline.

NOW, THEREFORE, the parties stipulate and agree that the time in which Ascent shall answer, move, or otherwise plead in response to the complaint shall be extended without deadline to a date to be determined by the United States District Court for the Northern District of Texas.

It is so ordered.

United States District Judge

MICHAEL ROSENBERG

By his attorneys,

/s/Nancy Freeman Gans

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ASCENT TECHNOLOGY, INC.

By its attorneys,

/s/ John A. Shope

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Dated: November 8, 2004

Certificate of Service

I, William McGeeveran, one of the attorneys for defendant Ascent Technology, Inc., hereby certify that I served the foregoing document by causing a true copy thereof to be mailed by first-class mail, postage pre-paid, to:

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William McGeeveran

Dated: November 8, 2004